

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

_____	)	
DAVID M. GOLDEN, et. al.,	)	
Plaintiffs	)	
	)	
v.	)	CIVIL ACTION NO: 04-10835
	)	
COUNTY OF SUFFOLK,	)	
Defendant	)	
_____	)	

**PARTIES' THIRD JOINT MOTION TO EXTEND THE SCHEDULING ORDER**

Plaintiffs, David M. Golden et al. and Defendant, County of Suffolk hereby jointly move for a 210-day extension of the scheduling order. As grounds for this Motion the parties state as follows:

1. This matter involves six plaintiffs and complex legal issues involving allegations of deliberate indifference with respect to the conditions of confinement.
2. On February 14, 2007, the Court granted an extension of the discovery deadline until August 28, 2007 as the parties required additional time for discovery.
3. Commencing in March 2007, the parties engaged in settlement negotiations with respect to all six (6) plaintiffs. In late July 2007, the parties reached a resolution for five out of six of the plaintiffs in this matter. The Settlement Agreements and General Releases have been drafted and exchanged and are awaiting execution by each of the Plaintiffs.

4. The only remaining plaintiff in this matter is John Connolly. Due to the parties working to resolve the five cases, discovery was set-aside during lengthy negotiations. Although discovery ensued up to the settlement negotiations, there is still extensive discovery that will be needed in this matter.
5. Additionally, Alison G. Fabella, Esq., the attorney for Defendant, will be on maternity leave from approximately October 29, 2007 to approximately February 25, 2008. Therefore, Ms. Fabella has requested an additional amount of time in order to complete discovery.
6. As a result, the parties respectfully request an additional 210-day extension to time to complete discovery.
7. Currently, the scheduling order calls for the completion of written discovery by August 28, 2007 but the parties will not be able to complete discovery by that date.
8. This is the third request for an extension of time and will not prejudice either party.
9. Therefore, the parties request a 210-day extension, until April 28, 2008, for discovery to assure completion of discovery within the requested time period.

WHEREFORE, the parties' request that the Court grant an additional 210-day extension of the discovery deadline until April 28, 2008; dispositive motions filed on or before June 15, 2008 and any oppositions due four weeks thereafter, and reply briefs two weeks after response.

Dated: August 15, 2007

Respectfully submitted,

DAVID GOLDEN, et al.

COUNTY OF SUFFOLK,

By their attorneys,

By its attorney,

/s/ Robert H. Tobin, Jr.

Robert H. Tobin (BBO #499425)  
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/s/ Alison G. Fabella

Alison G. Fabella (BBO #654858)  
Suffolk County Sheriff's Department  
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**Certificate of Counsel Pursuant to Local Rule 7.1**

Pursuant to L.R. 7.1(A)(2), I certify that I have conferred in good faith with counsel for the Plaintiffs to resolve or narrow the issues raised in this motion, and that the parties jointly reached the agreement represented above.

/s/ Alison G. Fabella

Alison G. Fabella